## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH ROSARIO,	)
Plaintiff,	) 2:21-cv-208
vs.	)
	) District Judge Robert J. Colville
WESTMORELAND COUNTY, PA;	) Magistrate Judge Maureen P. Kelly
WESTMORELAND COUNTY	)
COMMISSIONER; WESTMORELAND	) Re: ECF No. 14
COUNTY PRISON; WARDEN WALTON;	)
DEPUTY WARDEN LOWTHER; DEPUTY	)
WARDEN SCHWARZ; LIEUTENANT	)
TOMASELLO; LIEUTENANT WOLFF;	)
SERGEANT GILLETTE; SERGEANT	)
BRADLEY; and JOHN DOE 1-6,	)
	)
Defendants.	)

## **ORDER OF COURT**

Before the Court is the Honorable Maureen P. Kelly's August 11, 2021 Report and Recommendation (ECF No. 15), which recommends that all of Plaintiff's claims against Defendant Westmoreland County Prison be stricken sua sponte pursuant to Fed. R. Civ. P. 12(f) from Plaintiff's Amended Complaint (ECF No. 14). Objections to Judge Kelly's Report and Recommendation were due by August 30, 2021. No objections were filed, and the matter is now ripe for disposition.

With respect to dispositive matters, the reviewing district court must make a de novo determination of those portions of the magistrate judge's report and recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). "The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). The United States

Case 2:21-cv-00208-RJC-MPK Document 16 Filed 09/08/21 Page 2 of 2

Court of Appeals for the Third Circuit has explained that, "even absent objections to the report and

recommendation, a district court should 'afford some level of review to dispositive legal issues

raised by the report," and has "described this level of review as 'reasoned consideration." Equal

Employment Opportunity Comm'n v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017)

(quoting Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon consideration of Judge Kelly's August 11, 2021 Report and Recommendation and

upon review of the record in this matter, it is hereby ORDERED as follows:

The Court accepts and adopts Judge Kelly's Report and Recommendation in its entirety as

the opinion of the Court. All of Plaintiff's claims against Defendant Westmoreland County Prison

are stricken, pursuant to Fed. R. Civ. P. 12(f), from Plaintiff's Amended Complaint (ECF No. 14).

BY THE COURT:

s/Robert J. Colville\_

Robert J. Colville

United States District Judge

DATED: September 8, 2021

cc:

Honorable Judge Maureen P. Kelly

United States Magistrate Judge

Keith Rosario

MB-4878

SCI Albion

10745 Route 18

Albion, PA 16475

2